RESPONSE TO NON-FINAL OFFICE ACTION

Serial No. 10/723,223

Title: FLOOR CONSTRUCTION

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IN THE CLAIMS

- 1. (currently amended) A floor construction comprising:
 - a plurality of surface portions, each at least three of the plurality of surface portions

 having different interior properties from each other so that each of the at least
 three surface portions imparts a different sensory stimuli to a sole of a user's foot
 when the user steps on that surface portion-comprising at least one respective
 material with different properties, the properties in regard to human perception
 when stepping on the surface portions, characterized in that different surface
 portions are of such an arrangement and configuration that when moving on the
 floor construction a continuously changing, unforeseeable sequence of different
 surface portions has to be unavoidably stepped on;
 - wherein the floor construction is formed as a continuous unit with an externally

 homogeneous looking surface, wherein the differing interior properties of the at

 least three surface portions are concealed from view.
- 2. (currently amended) The floor construction according to claim 1, wherein the <u>at least</u> three surface portions having different interior properties from each other are each formed from the same material, thus providing a unitary, externally homogeneous surface, but that incorporated into the surface portions are identical or have different inclusions cast therein so that when the surface portions are stepped upon overall different tactile stimuli are produced.
- 3. (currently amended) The floor construction according to claim 1 or 2, wherein the <u>at least</u> three surface portions having different interior properties from each other represent portions of the floor construction that are separated from each other.

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4. (currently amended) The floor construction according to claim 1, wherein the <u>at least</u> three surface portions having different interior properties from each other differ from

each other in respect to at least one of shape and size.

5. (currently amended) The floor construction according to claim 1, wherein the <u>interior</u> properties comprise a degree of hardness or at least one of a hardness, a surface roughness, a surface structure, and a viscosity, or at least one of elasticity and a surface temperature of the material.

6. (currently amended) The floor construction according to claim 1, wherein the surface portions different interior properties are of provided by at least one of a solid material, a loose material, materials having different grain size, gel-like materials, and bristle materials.

- 7. (currently amended) The floor construction according to claim 1, wherein-at-least one or more of the surface portions of the at least three surface portions having different properties from each other comprises tilting elements and the tilting elements of the at least one of the surface portions one or more surface portions of the at least three surface portions having different properties from each other are movably mounted such that when a person steps thereon the at least one of the surface portions one or more surface portions of the at least three surface portions having different properties from each other and the tilting elements change position by tilting, pivoting, sliding, or sinking at different speeds.
- 8. (currently amended) The floor construction according to claim 1, wherein at least one or more surface portion portions of the at least three surface portions having different properties from each other further comprises comprise a heating or cooling means that

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heats or cools the at least one surface portion one or more surface portions of the at least three surface portions having different properties from each other.

- 9. (currently amended) The floor construction according to claim 1, wherein-at least one or more surface portion portions of the at least three surface portions having different properties from each other further comprises a plurality of perpendicularly standing bar portions.
- 10. (currently amended) The floor construction according to claim 1 claim 9, further comprising wherein the bar portions having have different degrees of stiffness.
- 11. (canceled)
- 12. (currently amended) The floor construction according to claim 1, further comprising an upper construction that contains the <u>plurality of surface portions</u> and is supported by a sub-construction.
- 13. (original) The floor construction according to claim 12, wherein the sub-construction is a flexible material.
- 14. (previously presented) The floor construction according to claim 12, wherein the upper construction comprises a foam containing different materials.
- 15. (original) The floor construction according to claim 1, wherein the floor construction can be used in at least one of inside and outside spaces.

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16. (original) The floor construction according to claim 1, wherein the floor construction is suitable for laying on conventional floor coverings.

- 17. (canceled)
- 18. (currently amended) The floor construction according to claim 1, wherein a transition between different surface portions of the at least three surface portions having different properties from each other is effected in an edge-free manner.
- 19. (currently amended) The floor construction according to claim 1, wherein the surface portions at least three surface portions having different properties from each other further comprise a closed internal space filled with a liquid substance, wherein the substance changes viscosity when an electrical voltage is applied thereto or when the substance changes temperature.
- 20. (original) The floor construction according to claim 19, wherein the liquid substance is oil like.
- 21. (currently amended) The floor construction according to claim 1, wherein each of the surface portions at least three surface portions having different properties from each other further comprises a closed internal space, the internal spaces of the respective surface portions at least three surface portions having different properties from each other connected in a mutually communicative relationship and filled with a material of a predetermined viscosity or toughness.
- 22. (canceled)

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22.24 (1.1)

23-24 (canceled)

25. (new) The floor construction according to claim 1, wherein the surface has a homogeneous looking surface roughness or surface structure.

26. (new) Use of the floor construction according to claim 1, 2, 4, 5, 6, 7, 8, 11, 12, 19, 21, or 25 wherein the floor construction is in the form of at least one of a children's play mat and a children's play covering.